
By: **Delegate Hurson (Chairman, Health and Government Operations
Committee)**

Introduced and read first time: February 4, 2003

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Sunset Review - State Board of Nursing - Electrology Practice Committee**

3 FOR the purpose of repealing certain provisions of law authorizing the State Board of
4 Electrologists; specifying that this Act does not limit the right of certain
5 individuals to practice certain occupations; requiring the State Board of Nursing
6 to adopt certain regulations related to electrologists and electrology instructors;
7 requiring the Board to set certain fees and to pay certain fees collected to the
8 Comptroller of the State; requiring the Comptroller to distribute certain fees to
9 the Board; establishing the Electrology Practice Committee; specifying the
10 membership, terms, powers, and duties of the Committee; prohibiting the
11 practice of electrology without a license; specifying the qualifications for
12 licensure as an electrologist or an electrology instructor; establishing an
13 application process for licensure; providing for the examination of an applicant
14 for licensure; specifying the expiration date of certain licenses and requiring the
15 Board to send a certain renewal notice by a certain date; requiring the Board to
16 place certain licensees on inactive status under certain circumstances; requiring
17 the Board to reinstate certain licenses in certain circumstances; prohibiting the
18 surrender of certain licenses under certain circumstances; requiring the Board
19 to approve a certain electrology education program under certain circumstances;
20 authorizing the Board to remove a certain electrology education program under
21 certain circumstances; authorizing the Board to deny a license to a certain
22 applicant, reprimand a certain licensee, place a certain licensee on probation, or
23 suspend or revoke a certain license under certain circumstances; specifying
24 certain grounds for discipline of certain licensees subject to certain hearing
25 requirements; authorizing the Board to impose certain penalties under certain
26 circumstances; providing for the appeal of a final decision of the Board under
27 certain circumstances; authorizing the Board to reinstate certain revoked
28 licenses under certain circumstances; prohibiting an individual from making
29 certain representations by title, description of service, method, procedure, or
30 otherwise unless authorized to practice electrology; prohibiting advertising that
31 is unreasonable, misleading, or fraudulent; specifying that only certain titles
32 may be used to identify electrologists; authorizing the Board to adopt rules and
33 regulations relating to the types of instruments and procedures used in the
34 practice and teaching of electrology; providing for an electrologist rehabilitation

1 committee to provide assistance under certain circumstances; requiring that a
2 certain notice be displayed under certain circumstances; establishing certain
3 penalties for a violation of this Act; providing that the Committee be subject to
4 the provisions of the Maryland Program Evaluation Act; requiring that an
5 evaluation of the Committee and the statutes and regulations that relate to the
6 Committee be performed on or before a certain date; requiring that certain
7 individuals be considered licensed by the Board under certain circumstances;
8 requiring the transfer of all the functions, powers, duties, equipment, revenues,
9 assets, liabilities, fund balances, and records of the State Board of Electrologists
10 to the Committee; defining certain terms; and generally relating to the creation
11 of the Electrology Practice Committee within the State Board of Nursing.

12 BY repealing

13 Article - Health Occupations
14 Section 6-101 through 6-702, inclusive, and the title "Title 6. Electrologists"
15 Annotated Code of Maryland
16 (2000 Replacement Volume and 2002 Supplement)

17 BY adding to

18 Article - Health Occupations
19 Section 8-6B-01 through 8-6B-29 to be under the new subtitle "Subtitle 6B.
20 Electrologists"
21 Annotated Code of Maryland
22 (2000 Replacement Volume and 2002 Supplement)

23 BY repealing and reenacting, without amendments,

24 Article - State Government
25 Section 8-403(a)
26 Annotated Code of Maryland
27 (1999 Replacement Volume and 2002 Supplement)

28 BY repealing and reenacting, with amendments,

29 Article - State Government
30 Section 8-403(b)(22)
31 Annotated Code of Maryland
32 (1999 Replacement Volume and 2002 Supplement)

33 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
34 MARYLAND, That Section(s) 6-101 through 6-702, inclusive, and the title "Title 6.
35 Electrologists" of Article - Health Occupations of the Annotated Code of Maryland be
36 repealed.

37 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
38 read as follows:

1 **Article - Health Occupations**

2 SUBTITLE 6B. ELECTROLOGISTS.

3 8-6B-01.

4 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.

6 (B) "BOARD" MEANS THE STATE BOARD OF NURSING.

7 (C) "COMMITTEE" MEANS THE ELECTROLOGY PRACTICE COMMITTEE.

8 (D) "ELECTROLOGIST" MEANS AN INDIVIDUAL WHO PRACTICES
9 ELECTROLOGY.10 (E) "ELECTROLOGY INSTRUCTOR" MEANS AN INDIVIDUAL WHO PRACTICES
11 ELECTROLOGY AND TEACHES AN ELECTROLOGY EDUCATION PROGRAM.12 (F) "LICENSE" MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A
13 LICENSE ISSUED BY THE BOARD:

14 (1) TO PRACTICE ELECTROLOGY; OR

15 (2) TO PRACTICE ELECTROLOGY AND TEACH AN ELECTROLOGY
16 EDUCATION PROGRAM.17 (G) "LICENSED ELECTROLOGIST" MEANS, UNLESS THE CONTEXT REQUIRES
18 OTHERWISE, AN ELECTROLOGIST WHO IS LICENSED BY THE BOARD TO PRACTICE
19 ELECTROLOGY.20 (H) "LICENSED ELECTROLOGY INSTRUCTOR" MEANS, UNLESS THE CONTEXT
21 REQUIRES OTHERWISE, AN ELECTROLOGIST WHO IS LICENSED BY THE BOARD TO
22 PRACTICE ELECTROLOGY AND TEACH AN ELECTROLOGY EDUCATION PROGRAM.23 (I) "PRACTICE ELECTROLOGY" MEANS TO REMOVE HAIR PERMANENTLY
24 THROUGH THE USE OF ELECTRICAL INSTRUMENTS.

25 8-6B-02.

26 THIS SUBTITLE DOES NOT LIMIT THE RIGHT OF AN INDIVIDUAL TO PRACTICE A
27 HEALTH OCCUPATION THAT THE INDIVIDUAL IS AUTHORIZED TO PRACTICE UNDER
28 THIS ARTICLE.

29 8-6B-03.

30 THE BOARD SHALL ADOPT REGULATIONS FOR THE LICENSURE OF
31 ELECTROLOGISTS AND FOR THE PRACTICE OF ELECTROLOGY.

1 8-6B-04.

2 (A) (1) THE BOARD SHALL SET REASONABLE FEES FOR THE ISSUANCE OF
3 AND RENEWAL OF LICENSES AND OTHER SERVICES IT PROVIDES TO
4 ELECTROLOGISTS.

5 (2) THE FEES CHARGED SHALL BE SET SO AS TO PRODUCE FUNDS TO
6 APPROXIMATE THE COST OF MAINTAINING THE LICENSURE AND THE OTHER
7 SERVICES PROVIDED TO ELECTROLOGISTS.

8 (B) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THE
9 PROVISIONS OF THIS SUBTITLE TO THE COMPTROLLER OF THE STATE.

10 (2) THE COMPTROLLER SHALL DISTRIBUTE ALL FEES TO THE BOARD.

11 (C) THE FEES SHALL BE USED TO COVER THE ACTUAL DOCUMENTED DIRECT
12 AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND REGULATORY DUTIES
13 OF THE BOARD AS PROVIDED BY THE PROVISIONS OF THIS SUBTITLE.

14 8-6B-05.

15 (A) THERE IS AN ELECTROLOGY PRACTICE COMMITTEE WITHIN THE BOARD.

16 (B) (1) THE COMMITTEE CONSISTS OF FIVE MEMBERS APPOINTED BY THE
17 BOARD.

18 (2) OF THE FIVE COMMITTEE MEMBERS:

19 (I) FOUR SHALL BE LICENSED ELECTROLOGISTS OR LICENSED
20 ELECTROLOGY INSTRUCTORS; AND

21 (II) ONE SHALL BE A CONSUMER MEMBER.

22 (C) EACH MEMBER OF THE COMMITTEE SHALL BE A CITIZEN OF THE UNITED
23 STATES AND A RESIDENT OF THE STATE.

24 (D) EACH ELECTROLOGIST MEMBER OF THE COMMITTEE SHALL HAVE
25 PRACTICED ELECTROLOGY ACTIVELY IN THE STATE FOR AT LEAST 5 YEARS
26 IMMEDIATELY BEFORE APPOINTMENT.

27 (E) THE CONSUMER MEMBER OF THE COMMITTEE:

28 (1) SHALL BE A MEMBER OF THE GENERAL PUBLIC;

29 (2) MAY NOT BE OR EVER HAVE BEEN:

30 (I) AN ELECTROLOGIST;

31 (II) A HEALTH CARE PROFESSIONAL; OR

1 (III) IN TRAINING TO BE AN ELECTROLOGIST OR A HEALTH CARE
2 PROFESSIONAL;

3 (3) MAY NOT HAVE A HOUSEHOLD MEMBER WHO IS AN
4 ELECTROLOGIST, A HEALTH CARE PROFESSIONAL, IN TRAINING TO BE AN
5 ELECTROLOGIST, OR IN TRAINING TO BE A HEALTH CARE PROFESSIONAL; AND

6 (4) MAY NOT:

7 (I) PARTICIPATE OR EVER HAVE PARTICIPATED IN A COMMERCIAL
8 OR PROFESSIONAL FIELD RELATED TO ELECTROLOGY;

9 (II) HAVE A HOUSEHOLD MEMBER WHO PARTICIPATES IN A
10 COMMERCIAL OR PROFESSIONAL FIELD RELATED TO ELECTROLOGY; OR

11 (III) HAVE, OR HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT,
12 A SUBSTANTIAL FINANCIAL INTEREST IN A PERSON REGULATED BY THE BOARD.

13 (F) (1) THE TERM OF A MEMBER IS 4 YEARS.

14 (2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY
15 THE PROVISIONS FOR MEMBERS OF THE COMMITTEE ON JULY 1, 2003.

16 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
17 SUCCESSOR IS APPOINTED AND QUALIFIES.

18 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
19 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
20 QUALIFIES.

21 (5) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE FULL
22 TERMS.

23 (6) TO THE EXTENT PRACTICABLE, THE BOARD SHALL FILL ANY
24 VACANCY ON THE COMMITTEE WITHIN 60 DAYS OF THE DATE OF THE VACANCY.

25 (G) (1) THE BOARD MAY REMOVE A MEMBER FOR INCOMPETENCE OR
26 MISCONDUCT.

27 (2) THE BOARD MAY REMOVE A MEMBER WHO IS ABSENT FROM TWO
28 SUCCESSIVE COMMITTEE MEETINGS WITHOUT ADEQUATE REASON.

29 8-6B-06.

30 IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS SUBTITLE, THE
31 COMMITTEE SHALL:

32 (1) MAKE RECOMMENDATIONS TO THE BOARD REGARDING
33 REGULATIONS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE;

1 (2) MAKE RECOMMENDATIONS TO THE BOARD REGARDING A CODE OF
2 ETHICS FOR THE PRACTICE OF ELECTROLOGY;

3 (3) MAKE RECOMMENDATIONS TO THE BOARD REGARDING THE
4 REQUIREMENTS FOR LICENSURE AS AN ELECTROLOGIST OR AN ELECTROLOGY
5 INSTRUCTOR;

6 (4) REVIEW APPLICATIONS FOR LICENSURE AS AN ELECTROLOGIST OR
7 ELECTROLOGY INSTRUCTOR AND MAKE RECOMMENDATIONS TO THE BOARD;

8 (5) MAINTAIN A LIST OF ALL CURRENTLY LICENSED ELECTROLOGISTS
9 AND ELECTROLOGY INSTRUCTORS;

10 (6) MAKE RECOMMENDATIONS TO THE BOARD REGARDING
11 CONTINUING EDUCATION REQUIREMENTS FOR ELECTROLOGISTS;

12 (7) AT THE REQUEST OF THE BOARD, INVESTIGATE COMPLAINTS
13 AGAINST LICENSED ELECTROLOGISTS;

14 (8) REVIEW ELECTROLOGY EDUCATION PROGRAMS BOTH IN THE STATE,
15 AND OUT OF STATE IN ACCORDANCE WITH § 8-6B-16 OF THIS SUBTITLE TO
16 DETERMINE COMPLIANCE WITH THE STANDARDS OF THAT SECTION AND MAKE
17 RECOMMENDATIONS TO THE BOARD REGARDING APPROVAL OR DISAPPROVAL OF
18 THESE PROGRAMS;

19 (9) REVIEW ADVERTISING BY LICENSED ELECTROLOGISTS AND BY
20 INSTITUTIONS THAT OFFER AN ELECTROLOGY PROGRAM AND MAKE
21 RECOMMENDATIONS TO THE BOARD, AS NECESSARY;

22 (10) AT THE REQUEST OF THE BOARD, AFTER THE BOARD HAS RECEIVED
23 A WRITTEN AND SIGNED COMPLAINT, INCLUDING A REFERRAL FROM THE
24 COMMISSIONER OF LABOR AND INDUSTRY, CONDUCT AN UNANNOUNCED
25 INSPECTION OF THE OFFICE OF AN ELECTROLOGIST, OTHER THAN AN OFFICE OF AN
26 ELECTROLOGIST IN A HOSPITAL, RELATED INSTITUTION, FREESTANDING MEDICAL
27 FACILITY, OR A FREESTANDING BIRTHING CENTER, TO DETERMINE COMPLIANCE AT
28 THAT OFFICE WITH THE CENTERS FOR DISEASE CONTROL'S GUIDELINES ON
29 UNIVERSAL PRECAUTIONS AND MAKE RECOMMENDATIONS TO THE BOARD, AS
30 NECESSARY;

31 (11) AT THE REQUEST OF THE BOARD, AFTER THE BOARD HAS RECEIVED
32 NOTICE THAT AN ELECTROLOGIST HAS OPENED AN OFFICE, AFTER NOTIFYING THE
33 ELECTROLOGIST, CONDUCT AN INSPECTION OF THE OFFICE TO DETERMINE
34 COMPLIANCE WITH THE BOARD'S REGULATIONS RELATING TO THE MINIMUM
35 REQUIREMENTS FOR AN OFFICE AND MAKE RECOMMENDATIONS TO THE BOARD, AS
36 NECESSARY;

37 (12) ADVISE THE BOARD ON MATTERS RELATING TO THE PRACTICE OF
38 ELECTROLOGY;

39 (13) KEEP A RECORD OF ITS PROCEEDINGS; AND

1 (14) SUBMIT AN ANNUAL REPORT TO THE BOARD.

2 8-6B-07.

3 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN INDIVIDUAL
4 SHALL BE LICENSED BY THE BOARD BEFORE THE INDIVIDUAL MAY PRACTICE
5 ELECTROLOGY OR TEACH AN ELECTROLOGY EDUCATION PROGRAM IN THE STATE.

6 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A LICENSED
7 PRACTICAL NURSE MAY NOT EMPLOY OR SUPERVISE AN INDIVIDUAL PRACTICING
8 ELECTROLOGY IN THE STATE WITHOUT A LICENSE.

9 (C) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A LICENSED
10 REGISTERED NURSE MAY NOT EMPLOY OR SUPERVISE AN INDIVIDUAL PRACTICING
11 ELECTROLOGY IN THE STATE WITHOUT A LICENSE.

12 (D) THIS SECTION DOES NOT APPLY TO A STUDENT WHO IS PRACTICING
13 ELECTROLOGY AS PART OF AN APPROVED CLINICAL ELECTROLOGY EDUCATION
14 PROGRAM.

15 8-6B-08.

16 (A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL BE AN INDIVIDUAL
17 WHO MEETS THE REQUIREMENTS OF THIS SECTION.

18 (B) THE APPLICANT SHALL BE OF GOOD MORAL CHARACTER.

19 (C) THE APPLICANT SHALL BE AT LEAST 18 YEARS OLD.

20 (D) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN APPLICANT
21 SHALL BE A HIGH SCHOOL GRADUATE OR HAVE COMPLETED EQUIVALENT
22 EDUCATION AND HAVE COMPLETED SATISFACTORILY:

23 (1) AN ELECTROLOGY EDUCATION PROGRAM, TAUGHT BY A LICENSED
24 ELECTROLOGY INSTRUCTOR, THAT HAS BEEN APPROVED BY THE BOARD AND THAT
25 INCLUDES:

26 (I) INSTRUCTION IN THE THEORY OF ELECTROLOGY OF AT LEAST
27 200 HOURS; AND

28 (II) INSTRUCTION IN THE CLINICAL PRACTICE OF ELECTROLOGY
29 OF AT LEAST 400 HOURS; OR

30 (2) AN ELECTROLOGY EDUCATION PROGRAM IN ANY OTHER STATE
31 THAT THE BOARD DETERMINES IS SUBSTANTIALLY EQUIVALENT TO THAT REQUIRED
32 BY ITEM (1) OF THIS SUBSECTION.

33 (E) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE APPLICANT
34 SHALL PASS AN EXAMINATION GIVEN BY THE BOARD.

1 (F) IN ADDITION TO THE OTHER REQUIREMENTS OF THIS SECTION, AN
2 APPLICANT FOR AN ELECTROLOGY INSTRUCTOR LICENSE SHALL:

3 (1) BE A LICENSED ELECTROLOGIST;

4 (2) HAVE PRACTICED ELECTROLOGY ACTIVELY FOR AT LEAST 5 YEARS
5 IMMEDIATELY BEFORE THE APPLICATION; AND

6 (3) PASS THE ELECTROLOGY INSTRUCTOR EXAMINATION.

7 8-6B-09.

8 (A) TO APPLY FOR A LICENSE, AN APPLICANT SHALL:

9 (1) SUBMIT TO THE BOARD:

10 (I) AN APPLICATION ON THE FORM THAT THE BOARD REQUIRES;
11 AND

12 (II) EVIDENCE OF COMPLIANCE WITH THE REQUIREMENTS OF §
13 8-6B-08 OF THIS SUBTITLE; AND

14 (2) PAY TO THE BOARD AN EXAMINATION FEE SET BY THE BOARD.

15 (B) THE BOARD SHALL ISSUE THE APPROPRIATE LICENSE TO AN APPLICANT
16 WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE.

17 8-6B-10.

18 (A) AN APPLICANT WHO OTHERWISE QUALIFIES FOR A LICENSE IS ENTITLED
19 TO BE EXAMINED AS PROVIDED IN THIS SECTION.

20 (B) (1) THE BOARD SHALL GIVE EXAMINATIONS TO APPLICANTS AT LEAST
21 ONCE A YEAR, AT THE TIMES AND PLACES THAT THE BOARD DETERMINES.

22 (2) THE BOARD MAY GIVE REEXAMINATIONS TO APPLICANTS WHO FAIL
23 ALL OR PART OF THE EXAMINATION AT THE TIMES AND PLACES THAT THE BOARD
24 DETERMINES.

25 (C) THE BOARD SHALL NOTIFY EACH QUALIFIED APPLICANT OF THE TIME
26 AND PLACE OF EXAMINATION.

27 (D) (1) EXCEPT AS OTHERWISE PROVIDED UNDER THIS SUBTITLE, THE
28 BOARD SHALL DETERMINE THE SUBJECTS, SCOPE, FORM, AND PASSING SCORE FOR
29 EXAMINATIONS GIVEN UNDER THIS SUBTITLE.

30 (2) EACH EXAMINATION SHALL INCLUDE:

31 (I) A SECTION ON THE THEORY OF ELECTROLOGY; AND

32 (II) A SECTION ON THE CLINICAL PRACTICE OF ELECTROLOGY.

1 (E) (1) AN APPLICANT MAY RETAKE AN EXAMINATION OR A FAILED
2 SECTION OF AN EXAMINATION AFTER PAYING A REEXAMINATION FEE SET BY THE
3 BOARD.

4 (2) AN APPLICANT WHO FAILS TWO REEXAMINATIONS MAY RETAKE THE
5 EXAMINATION ONLY IF THE APPLICANT:

6 (I) RETAKES THE ENTIRE EXAMINATION;

7 (II) PAYS THE FULL EXAMINATION FEE; AND

8 (III) COMPLETES AN EDUCATION PROGRAM THAT THE BOARD
9 REQUIRES.

10 8-6B-11.

11 (A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD MAY WAIVE
12 THE THEORY SECTION OF THE EXAMINATION REQUIREMENT OF THIS SUBTITLE FOR
13 AN INDIVIDUAL WHO IS LICENSED TO PRACTICE ELECTROLOGY IN ANOTHER STATE.

14 (B) THE BOARD MAY GRANT A WAIVER UNDER THIS SECTION ONLY IF THE
15 APPLICANT:

16 (1) PAYS THE LICENSE FEE REQUIRED BY THE BOARD; AND

17 (2) PROVIDES ADEQUATE EVIDENCE THAT THE APPLICANT:

18 (I) MEETS THE QUALIFICATIONS OTHERWISE REQUIRED BY THIS
19 SUBTITLE;

20 (II) BECAME LICENSED IN THE OTHER STATE AFTER PASSING IN
21 THAT STATE, OR ANY OTHER STATE, AN EXAMINATION THAT IS SUBSTANTIALLY
22 EQUIVALENT TO THE EXAMINATION FOR WHICH THE APPLICANT IS SEEKING THE
23 WAIVER; AND

24 (III) BECAME LICENSED IN THE OTHER STATE AFTER MEETING
25 REQUIREMENTS THAT ARE SUBSTANTIALLY EQUIVALENT TO THE REQUIREMENTS
26 OF THIS SUBTITLE.

27 8-6B-12.

28 (A) THE BOARD SHALL ISSUE A LICENSE TO ANY APPLICANT WHO:

29 (1) MEETS THE REQUIREMENTS OF THIS SUBTITLE; AND

30 (2) PAYS A LICENSE FEE SET BY THE BOARD.

31 (B) THE BOARD SHALL INCLUDE ON EACH LICENSE THAT THE BOARD ISSUES
32 A LICENSE DESIGNATION AS:

33 (1) LICENSED ELECTROLOGIST; OR

1 (2) LICENSED ELECTROLOGY INSTRUCTOR.

2 8-6B-13.

3 (A) AN ELECTROLOGIST'S LICENSE ISSUED UNDER THIS SUBTITLE
4 AUTHORIZES THE LICENSEE TO PRACTICE ELECTROLOGY WHILE THE LICENSE IS
5 EFFECTIVE.

6 (B) AN ELECTROLOGY INSTRUCTOR'S LICENSE ISSUED UNDER THIS SUBTITLE
7 AUTHORIZES THE LICENSEE TO PRACTICE ELECTROLOGY AND TO TEACH AN
8 ELECTROLOGY EDUCATION PROGRAM WHILE THE LICENSE IS EFFECTIVE.

9 8-6B-14.

10 (A) A LICENSE EXPIRES ON A DATE SET BY THE BOARD, UNLESS THE LICENSE
11 IS RENEWED FOR AN ADDITIONAL TERM AS PROVIDED IN THIS SECTION.

12 (B) A LICENSE MAY NOT BE RENEWED FOR A TERM LONGER THAN 2 YEARS.

13 (C) AT LEAST 1 MONTH BEFORE THE LICENSE EXPIRES, THE BOARD SHALL
14 SEND TO THE LICENSEE, BY FIRST-CLASS MAIL TO THE LAST KNOWN ADDRESS OF
15 THE LICENSEE, A RENEWAL NOTICE THAT STATES:

16 (1) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

17 (2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE
18 RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE
19 THE LICENSE EXPIRES; AND

20 (3) THE AMOUNT OF THE RENEWAL FEE.

21 (D) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, BEFORE A LICENSE
22 EXPIRES, THE LICENSEE PERIODICALLY MAY RENEW IT FOR AN ADDITIONAL 2-YEAR
23 TERM, IF THE LICENSEE:

24 (1) OTHERWISE IS ENTITLED TO BE LICENSED;

25 (2) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD; AND

26 (3) SUBMITS TO THE BOARD:

27 (I) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD
28 REQUIRES; AND

29 (II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY
30 CONTINUING EDUCATION REQUIREMENT SET UNDER THIS SUBTITLE FOR LICENSE
31 RENEWAL.

32 (E) IN ADDITION TO ANY OTHER QUALIFICATIONS AND REQUIREMENTS
33 ESTABLISHED BY THE BOARD, THE BOARD MAY ESTABLISH CONTINUING

1 EDUCATION OR COMPETENCY REQUIREMENTS AS A CONDITION TO THE RENEWAL
2 OF LICENSES UNDER THIS SECTION.

3 (F) THE BOARD SHALL RENEW THE LICENSE OF EACH LICENSEE WHO MEETS
4 THE REQUIREMENTS OF THIS SECTION.

5 (G) (1) THE BOARD SHALL PLACE A LICENSEE ON INACTIVE STATUS, IF THE
6 LICENSEE SUBMITS TO THE BOARD:

7 (I) AN APPLICATION FOR INACTIVE STATUS ON THE FORM
8 REQUIRED BY THE BOARD; AND

9 (II) THE INACTIVE STATUS FEE SET BY THE BOARD.

10 (2) THE BOARD SHALL REACTIVATE THE LICENSE OF AN INDIVIDUAL
11 WHO IS ON INACTIVE STATUS, IF THE INDIVIDUAL:

12 (I) COMPLIES WITH ANY CONTINUING EDUCATION REQUIREMENT
13 ESTABLISHED BY THE BOARD FOR THIS PURPOSE; AND

14 (II) PAYS TO THE BOARD A REACTIVATION FEE SET BY THE BOARD.

15 (3) IF THE INDIVIDUAL HAS BEEN ON INACTIVE STATUS FOR 5 YEARS OR
16 MORE, BEFORE THE BOARD MAY REACTIVATE THE LICENSE, THE INDIVIDUAL MUST
17 PASS AN EXAMINATION GIVEN BY THE BOARD THAT INCLUDES A SECTION ON THE
18 CLINICAL PRACTICE OF ELECTROLOGY AND A SECTION ON THIS SUBTITLE AND THE
19 REGULATIONS ADOPTED UNDER IT.

20 (H) THE BOARD, IN ACCORDANCE WITH ITS RULES AND REGULATIONS, SHALL
21 REINSTATE THE LICENSE OF AN INDIVIDUAL WHO HAS FAILED TO RENEW THE
22 LICENSE FOR ANY REASON IF THE INDIVIDUAL:

23 (1) IS OTHERWISE ENTITLED TO BE LICENSED;

24 (2) COMPLIES WITH ANY CONTINUING EDUCATION REQUIREMENT
25 ESTABLISHED BY THE BOARD FOR THIS PURPOSE;

26 (3) PAYS TO THE BOARD ALL PAST DUE RENEWAL FEES AND A
27 REINSTATEMENT FEE SET BY THE BOARD;

28 (4) APPLIES TO THE BOARD FOR REINSTATEMENT OF THE LICENSE
29 WITHIN 5 YEARS AFTER THE LICENSE EXPIRES; AND

30 (5) PASSES AN EXAMINATION GIVEN BY THE BOARD THAT INCLUDES A
31 SECTION ON THE CLINICAL PRACTICE OF ELECTROLOGY AND A SECTION ON THIS
32 SUBTITLE AND THE REGULATIONS ADOPTED UNDER IT.

33 (I) (1) THE BOARD MAY NOT REINSTATE THE LICENSE OF AN
34 ELECTROLOGIST OR AN ELECTROLOGY INSTRUCTOR WHO FAILS TO APPLY FOR
35 REINSTATEMENT OF THE LICENSE WITHIN 5 YEARS AFTER THE LICENSE EXPIRES.

1 (2) THE ELECTROLOGIST OR ELECTROLOGY INSTRUCTOR MAY BECOME
2 LICENSED BY MEETING THE CURRENT REQUIREMENTS FOR OBTAINING A NEW
3 LICENSE UNDER THIS SUBTITLE.

4 8-6B-15.

5 (A) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A LICENSE,
6 A LICENSED ELECTROLOGIST OR LICENSED ELECTROLOGY INSTRUCTOR MAY NOT
7 SURRENDER THE LICENSE NOR MAY THE LICENSE LAPSE BY OPERATION OF LAW
8 WHILE THE LICENSEE IS UNDER INVESTIGATION OR WHILE CHARGES ARE PENDING
9 AGAINST THE LICENSEE.

10 (B) THE BOARD MAY SET CONDITIONS ON ITS AGREEMENT WITH THE
11 LICENSED ELECTROLOGIST OR LICENSED ELECTROLOGY INSTRUCTOR UNDER
12 INVESTIGATION OR AGAINST WHOM CHARGES ARE PENDING TO ACCEPT
13 SURRENDER OF THE LICENSE.

14 8-6B-16.

15 (A) BEFORE AN INSTITUTION MAY OPERATE AN ELECTROLOGY EDUCATION
16 PROGRAM IN THE STATE, THE BOARD SHALL APPROVE THE PROGRAM.

17 (B) THE BOARD SHALL APPROVE AN ELECTROLOGY EDUCATION PROGRAM IN
18 THE STATE IF:

19 (1) THE MARYLAND HIGHER EDUCATION COMMISSION APPROVES THE
20 PROGRAM; AND

21 (2) THE INSTITUTION THAT OFFERS THE PROGRAM SUBMITS EVIDENCE
22 TO THE BOARD THAT THE INSTITUTION IS PREPARED TO:

23 (I) MEET THE STANDARDS SET BY THE BOARD UNDER THIS
24 SUBTITLE; AND

25 (II) CARRY OUT AN EDUCATION PROGRAM IN:

26 1. THE THEORY OF ELECTROLOGY IN ACCORDANCE WITH
27 THE PROVISIONS OF § 8-6B-08(D) OF THIS SUBTITLE; OR

28 2. THE CLINICAL PRACTICE OF ELECTROLOGY IN
29 ACCORDANCE WITH THE PROVISIONS OF § 8-6B-08(D) OF THIS SUBTITLE.

30 (C) (1) THE BOARD PERIODICALLY MAY EVALUATE ELECTROLOGY
31 PROGRAMS IN THE STATE AND PREPARE A WRITTEN REPORT.

32 (2) IF AN INSTITUTION THAT OFFERS AN APPROVED ELECTROLOGY
33 EDUCATION PROGRAM VIOLATES ANY OF THE STANDARDS SET BY THE BOARD
34 UNDER THIS SUBTITLE, THE BOARD SHALL GIVE THE INSTITUTION SPECIFIC,
35 WRITTEN NOTICE OF THE VIOLATION.

1 8-6B-17.

2 (A) THE BOARD MAY REMOVE AN INSTITUTION FROM ITS LIST OF
3 INSTITUTIONS THAT OFFER APPROVED ELECTROLOGY EDUCATION PROGRAMS IF
4 THE INSTITUTION:

5 (1) IS GUILTY OF FRAUD OR DECEIT IN OBTAINING OR ATTEMPTING TO
6 OBTAIN APPROVAL;

7 (2) ACTS IN A MANNER INCONSISTENT WITH GENERALLY ACCEPTED
8 STANDARDS FOR THE PRACTICE OF ELECTROLOGY;

9 (3) ADVERTISES IN A MANNER THAT THE BOARD DETERMINES
10 VIOLATES § 8-6B-22 OF THIS SUBTITLE;

11 (4) VIOLATES THE STANDARDS SET UNDER THIS SUBTITLE AND DOES
12 NOT CORRECT THE VIOLATION IN A REASONABLE TIME AFTER NOTICE IS GIVEN; OR

13 (5) NO LONGER OPERATES A PROGRAM THAT QUALIFIES FOR APPROVAL
14 UNDER THIS SUBTITLE.

15 (B) AN ACTION TAKEN UNDER THIS SECTION SHALL BE IN ACCORDANCE
16 WITH THE HEARING AND ADMINISTRATIVE AND JUDICIAL REVIEW PROVISIONS OF
17 THIS SUBTITLE.

18 8-6B-18.

19 (A) SUBJECT TO THE HEARING PROVISIONS OF § 8-317 OF THIS TITLE, THE
20 BOARD MAY DENY A LICENSE TO AN APPLICANT, REPRIMAND A LICENSEE, PLACE A
21 LICENSEE ON PROBATION, OR SUSPEND OR REVOKE A LICENSE IF THE APPLICANT
22 OR LICENSEE:

23 (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO
24 OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR ANOTHER;

25 (2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

26 (3) AS PART OF THE PRACTICE OF ELECTROLOGY, KNOWINGLY DOES AN
27 ACT THAT EXCEEDS THE SCOPE OF THE PRACTICE OF ELECTROLOGY;

28 (4) IS GROSSLY NEGLIGENT IN PRACTICING OR TEACHING AN
29 ELECTROLOGY EDUCATION PROGRAM;

30 (5) ACTS IN A MANNER INCONSISTENT WITH GENERALLY ACCEPTED
31 STANDARDS FOR THE PRACTICE OF ELECTROLOGY;

32 (6) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO A
33 FELONY OR TO A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT ANY
34 APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA
35 SET ASIDE;

1 (7) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY AUTHORITY OF
2 ANY STATE OR COUNTRY, CONVICTED OR DISCIPLINED BY A COURT OF ANY STATE OR
3 COUNTRY, OR DISCIPLINED BY ANY BRANCH OF THE UNITED STATES UNIFORMED
4 SERVICES OR THE VETERANS ADMINISTRATION FOR AN ACT THAT WOULD BE
5 GROUNDS FOR DISCIPLINARY ACTION UNDER THE BOARD'S DISCIPLINARY
6 STATUTES;

7 (8) PROVIDES PROFESSIONAL SERVICES WHILE:

8 (I) UNDER THE INFLUENCE OF ALCOHOL; OR

9 (II) USING ANY NARCOTIC OR CONTROLLED DANGEROUS
10 SUBSTANCE, AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE, OR OTHER
11 DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL
12 INDICATION;

13 (9) USES TYPES OF INSTRUMENTS OR PROCEDURES IN THE PRACTICE
14 OF ELECTROLOGY THAT ARE NOT APPROVED BY THE BOARD;

15 (10) ADVERTISES IN A MANNER THAT VIOLATES THIS SUBTITLE;

16 (11) USES A TITLE NOT AUTHORIZED BY § 8-6B-22 OF THIS SUBTITLE;

17 (12) IS CURRENTLY ADJUDICATED AS BEING A DISABLED INDIVIDUAL
18 UNDER TITLE 13 OF THE ESTATES AND TRUSTS ARTICLE;

19 (13) PRACTICES ELECTROLOGY WITH AN UNAUTHORIZED INDIVIDUAL OR
20 SUPERVISES OR AIDS AN UNAUTHORIZED INDIVIDUAL IN THE PRACTICE OF
21 ELECTROLOGY;

22 (14) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN THE
23 PRACTICE OF ELECTROLOGY;

24 (15) WILLFULLY FAILS TO FILE OR RECORD ANY REPORT AS REQUIRED
25 BY LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR RECORDING OF THE
26 REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR RECORD THE REPORT;

27 (16) SUBMITS A FALSE STATEMENT TO COLLECT A FEE;

28 (17) VIOLATES A PROVISION OF THIS SUBTITLE OR A RULE OR
29 REGULATION ADOPTED BY THE BOARD;

30 (18) USES OR PROMOTES OR CAUSES THE USE OF A MISLEADING,
31 DECEIVING, OR UNTRUTHFUL ADVERTISING MATTER, PROMOTIONAL LITERATURE,
32 OR TESTIMONIAL;

33 (19) IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY INCOMPETENT;

34 (20) PROMOTES THE SALE OF DEVICES, APPLIANCES, OR GOODS TO A
35 PATIENT SO AS TO EXPLOIT THE PATIENT FOR FINANCIAL GAIN;

- 1 (21) BEHAVES IMMORALLY IN THE PRACTICE OF ELECTROLOGY;
- 2 (22) COMMITS AN ACT OF UNPROFESSIONAL CONDUCT IN THE PRACTICE
3 OF ELECTROLOGY;
- 4 (23) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES AGAINST
5 AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL SERVICES FOR
6 WHICH THE LICENSEE IS LICENSED AND QUALIFIED TO RENDER BECAUSE THE
7 INDIVIDUAL IS HIV POSITIVE;
- 8 (24) EXCEPT IN AN EMERGENCY LIFE-THREATENING SITUATION WHERE
9 IT IS NOT FEASIBLE OR PRACTICABLE, FAILS TO COMPLY WITH THE CENTERS FOR
10 DISEASE CONTROL'S GUIDELINES ON UNIVERSAL PRECAUTIONS;
- 11 (25) FAILS TO DISPLAY THE NOTICE REQUIRED UNDER § 8-6B-25 OF THIS
12 SUBTITLE;
- 13 (26) FAILS TO ALLOW AN INSPECTION UNDER § 8-6B-06(10) AND (11) OF
14 THIS SUBTITLE; OR
- 15 (27) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION CONDUCTED
16 BY THE BOARD.
- 17 (B) (1) AN INDIVIDUAL WHOSE LICENSE HAS BEEN REVOKED OR
18 SUSPENDED BY THE BOARD SHALL RETURN THE LICENSE TO THE BOARD.
- 19 (2) IF AT THAT TIME THE LICENSE IS LOST, THE INDIVIDUAL SHALL
20 SEND A SWORN STATEMENT TO THIS EFFECT TO THE BOARD.
- 21 (C) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE PROCEDURE
22 ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER § 8-317 OF THIS TITLE, IT SHALL
23 GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED AN
24 OPPORTUNITY FOR A HEARING BEFORE THE BOARD.
- 25 (D) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN
26 ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.
- 27 (E) THE HEARING NOTICE TO BE GIVEN TO THE INDIVIDUAL SHALL BE SENT
28 BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, BEARING A POSTMARK FROM
29 THE UNITED STATES POSTAL SERVICE, TO THE LAST KNOWN ADDRESS OF THE
30 INDIVIDUAL AT LEAST 30 DAYS BEFORE THE HEARING.
- 31 (F) THE INDIVIDUAL MAY BE REPRESENTED AT THE HEARING BY COUNSEL.
- 32 (G) (1) THE BOARD MAY ISSUE SUBPOENAS AND ADMINISTER OATHS IN
33 CONNECTION WITH A PROCEEDING UNDER THIS SECTION.
- 34 (2) IF, WITHOUT LAWFUL EXCUSE, AN INDIVIDUAL DISOBEYS A
35 SUBPOENA FROM THE BOARD OR AN ORDER BY THE BOARD TO TAKE AN OATH,

1 TESTIFY, OR ANSWER A QUESTION, THEN ON PETITION OF THE BOARD, A COURT OF
2 COMPETENT JURISDICTION:

3 (I) SHALL COMPEL COMPLIANCE WITH THE SUBPOENA; AND

4 (II) MAY HOLD THE INDIVIDUAL IN CONTEMPT OF COURT.

5 (H) IF AFTER DUE NOTICE THE INDIVIDUAL AGAINST WHOM THE ACTION IS
6 CONTEMPLATED FAILS OR REFUSES TO APPEAR, NEVERTHELESS THE BOARD MAY
7 HEAR AND DETERMINE THE MATTER.

8 (I) THE HEARING OF CHARGES MAY NOT BE STAYED OR CHALLENGED BY
9 PROCEDURAL DEFECTS ALLEGED TO HAVE OCCURRED PRIOR TO THE FILING OF
10 CHARGES.

11 8-6B-19.

12 (A) IF AFTER A HEARING UNDER § 8-6B-18 OF THIS SUBTITLE THE BOARD
13 FINDS THAT THERE ARE GROUNDS UNDER THAT SECTION TO SUSPEND OR REVOKE A
14 LICENSE, THE BOARD MAY IMPOSE A PENALTY NOT EXCEEDING \$5,000:

15 (1) INSTEAD OF SUSPENDING THE LICENSE; OR

16 (2) IN ADDITION TO SUSPENDING OR REVOKING THE LICENSE.

17 (B) THE BOARD SHALL ADOPT RULES AND REGULATIONS TO SET STANDARDS
18 FOR THE IMPOSITION OF PENALTIES UNDER THIS SECTION.

19 (C) THE BOARD SHALL PAY A PENALTY COLLECTED UNDER THIS SECTION
20 INTO THE GENERAL FUND OF THE STATE.

21 8-6B-20.

22 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN
23 INDIVIDUAL AGGRIEVED BY A FINAL DECISION OF THE BOARD IN A CONTESTED
24 CASE, AS DEFINED IN THE ADMINISTRATIVE PROCEDURE ACT, MAY:

25 (1) APPEAL THAT DECISION TO THE BOARD OF REVIEW; AND

26 (2) THEN TAKE ANY FURTHER APPEAL ALLOWED BY THE
27 ADMINISTRATIVE PROCEDURE ACT.

28 (B) (1) AN INDIVIDUAL AGGRIEVED BY A FINAL DECISION OF THE BOARD
29 PURSUANT TO § 8-6B-18 OF THIS SUBTITLE MAY NOT APPEAL TO THE SECRETARY OR
30 BOARD OF REVIEW BUT MAY TAKE A DIRECT JUDICIAL APPEAL.

31 (2) THE APPEAL SHALL BE MADE AS PROVIDED FOR JUDICIAL REVIEW
32 OF FINAL DECISIONS IN THE ADMINISTRATIVE PROCEDURE ACT.

33 (C) AN ORDER OF THE BOARD MAY NOT BE STAYED PENDING REVIEW.

1 8-6B-21.

2 ON THE APPLICATION OF AN INDIVIDUAL WHOSE LICENSE HAS BEEN
3 SUSPENDED OR REVOKED FOR A PERIOD OF MORE THAN 1 YEAR, THE BOARD MAY
4 REINSTATE THE LICENSE AFTER 1 YEAR.

5 8-6B-22.

6 (A) UNLESS AUTHORIZED TO PRACTICE ELECTROLOGY, OR TO TEACH AN
7 ELECTROLOGY PROGRAM UNDER THIS SUBTITLE, AN INDIVIDUAL MAY NOT
8 REPRESENT TO THE PUBLIC BY TITLE, DESCRIPTION OF SERVICE, METHOD,
9 PROCEDURE, OR OTHERWISE, THAT THE INDIVIDUAL IS AUTHORIZED TO PRACTICE
10 ELECTROLOGY OR TO TEACH AN ELECTROLOGY EDUCATION PROGRAM IN THE
11 STATE.

12 (B) NEITHER A LICENSEE NOR AN INSTITUTION THAT OFFERS AN APPROVED
13 ELECTROLOGY EDUCATION PROGRAM MAY ADVERTISE IN A MANNER THAT IS
14 UNREASONABLE, MISLEADING, OR FRAUDULENT.

15 (C) (1) EXCEPT AS PROVIDED IN ITEM (2) OF THIS SUBSECTION, A LICENSEE
16 MAY USE ONLY THE TITLE "LICENSED ELECTROLOGIST" AND THE ABBREVIATION
17 "L.E.".

18 (2) A LICENSED ELECTROLOGY INSTRUCTOR MAY USE THE TITLE
19 "LICENSED ELECTROLOGY INSTRUCTOR" AND THE ABBREVIATION "L.E.I.".

20 8-6B-23.

21 (A) THE BOARD SHALL ADOPT RULES AND REGULATIONS THAT SPECIFY THE
22 TYPES OF INSTRUMENTS AND PROCEDURES THAT THE BOARD APPROVES FOR USE IN
23 THE PRACTICE AND TEACHING OF ELECTROLOGY.

24 (B) A LICENSEE MAY USE ONLY THOSE TYPES OF INSTRUMENTS AND
25 PROCEDURES IN THE PRACTICE OF ELECTROLOGY OR TEACHING OF THE CLINICAL
26 PRACTICE OF ELECTROLOGY THAT ARE APPROVED BY THE BOARD.

27 8-6B-24.

28 (A) IN THIS SECTION, "ELECTROLOGIST REHABILITATION COMMITTEE"
29 MEANS A COMMITTEE THAT:

30 (1) IS DEFINED IN SUBSECTION (B) OF THIS SECTION; AND

31 (2) PERFORMS ANY OF THE FUNCTIONS LISTED IN SUBSECTION (D) OF
32 THIS SECTION.

33 (B) FOR PURPOSES OF THIS SECTION, AN ELECTROLOGIST REHABILITATION
34 COMMITTEE IS A SUBGROUP OF THE COMMITTEE OR A COMMITTEE OF ANY
35 ASSOCIATION REPRESENTING ELECTROLOGISTS THAT:

36 (1) IS RECOGNIZED BY THE COMMITTEE; AND

1 (2) INCLUDES BUT IS NOT LIMITED TO ELECTROLOGISTS.

2 (C) A REHABILITATION COMMITTEE OF THE COMMITTEE OR RECOGNIZED BY
3 THE BOARD MAY FUNCTION:

4 (1) SOLELY FOR THE COMMITTEE; OR

5 (2) JOINTLY WITH A REHABILITATION COMMITTEE REPRESENTING
6 ANOTHER COMMITTEE, THE BOARD, OR ANOTHER BOARD OR BOARDS.

7 (D) FOR PURPOSES OF THIS SECTION, AN ELECTROLOGIST REHABILITATION
8 COMMITTEE EVALUATES AND PROVIDES ASSISTANCE TO AN ELECTROLOGIST IN
9 NEED OF TREATMENT AND REHABILITATION FOR ALCOHOLISM, DRUG ABUSE,
10 CHEMICAL DEPENDENCY, OR OTHER PHYSICAL, EMOTIONAL, OR MENTAL
11 CONDITION.

12 (E) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE
13 PROCEEDINGS, RECORDS, AND FILES OF THE ELECTROLOGIST REHABILITATION
14 COMMITTEE ARE NOT DISCOVERABLE AND ARE NOT ADMISSIBLE IN EVIDENCE IN
15 ANY CIVIL ACTION ARISING OUT OF MATTERS THAT ARE BEING OR HAVE BEEN
16 REVIEWED AND EVALUATED BY THE ELECTROLOGIST REHABILITATION COMMITTEE.

17 (2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO A RECORD
18 OR DOCUMENT THAT IS CONSIDERED BY THE ELECTROLOGIST REHABILITATION
19 COMMITTEE AND THAT OTHERWISE WOULD BE SUBJECT TO DISCOVERY OR
20 INTRODUCTION INTO EVIDENCE IN A CIVIL ACTION.

21 (3) FOR PURPOSES OF THIS SUBSECTION, CIVIL ACTION DOES NOT
22 INCLUDE A PROCEEDING BEFORE THE BOARD OR JUDICIAL REVIEW OF A
23 PROCEEDING BEFORE THE BOARD.

24 (F) A PERSON WHO ACTS IN GOOD FAITH AND WITHIN THE SCOPE OF
25 JURISDICTION OF AN ELECTROLOGIST REHABILITATION COMMITTEE IS NOT CIVILLY
26 LIABLE FOR ANY ACTION AS A MEMBER OF THE ELECTROLOGIST REHABILITATION
27 COMMITTEE OR FOR GIVING INFORMATION TO, PARTICIPATING IN, OR
28 CONTRIBUTING TO THE FUNCTION OF THE ELECTROLOGIST REHABILITATION
29 COMMITTEE.

30 8-6B-25.

31 IF AN ELECTROLOGIST IS ENGAGED IN THE PRIVATE PRACTICE OF
32 ELECTROLOGY IN THE STATE, THE ELECTROLOGIST SHALL DISPLAY THE NOTICE
33 DEVELOPED UNDER § 1-207 OF THIS ARTICLE CONSPICUOUSLY IN EACH OFFICE
34 WHERE THE ELECTROLOGIST IS ENGAGED IN PRACTICE.

35 8-6B-26.

36 A LICENSEE MAY NOT USE A TITLE EXCEPT THE TITLES AUTHORIZED BY §
37 8-6B-22 OF THIS SUBTITLE.

1 8-6B-27.

2 A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A
3 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000
4 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH.

5 8-6B-28.

6 THIS SUBTITLE MAY BE CITED AS THE "MARYLAND ELECTROLOGISTS ACT".
7 8-6B-29.

8 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE
9 MARYLAND PROGRAM EVALUATION ACT, AND SUBJECT TO THE TERMINATION OF
10 THIS TITLE UNDER § 8-802 OF THIS TITLE, THIS SUBTITLE AND ALL RULES AND
11 REGULATIONS ADOPTED UNDER THIS SUBTITLE SHALL TERMINATE AND BE OF NO
12 EFFECT AFTER JULY 1, 2013.

13 **Article - State Government**

14 8-403.

15 (a) On or before December 15 of the 2nd year before the evaluation date of a
16 governmental activity or unit, the Legislative Policy Committee, based on a
17 preliminary evaluation, may waive as unnecessary the evaluation required under this
18 section.

19 (b) Except as otherwise provided in subsection (a) of this section, on or before
20 the evaluation date for the following governmental activities or units, an evaluation
21 shall be made of the following governmental activities or units and the statutes and
22 regulations that relate to the governmental activities or units:

23 (22) [Electrologists, State Board of (§ 6-201 of the Health Occupations
24 Article: July 1, 2003)] ELECTROLOGY PRACTICE COMMITTEE (§ 8-6B-05 OF THE
25 HEALTH OCCUPATIONS ARTICLE: JULY 1, 2012);

26 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial
27 members of the Electrology Practice Committee shall expire as follows:

28 (1) one member in 2005;

29 (2) two members in 2006; and

30 (3) two members in 2007.

31 SECTION 4. AND BE IT FURTHER ENACTED, That an individual who holds
32 a valid license issued by the State Board of Electrologists on June 30, 2003, in all
33 respects, shall be considered licensed by the State Board of Nursing. The State Board
34 of Nursing shall issue a license to an individual who holds a valid license issued by
35 the State Board of Electrologists if the individual is of good moral character and has
36 submitted to the State Board of Nursing, on or before June 30, 2004:

- 1 (1) an application on the form that the State Board of Nursing requires;
- 2 (2) evidence of the prior license; and
- 3 (3) a license fee set by the State Board of Nursing.

4 SECTION 5. AND BE IT FURTHER ENACTED, That on July 1, 2003, all the
5 functions, powers, duties, equipment, revenues, assets, liabilities, fund balances, and
6 records of the State Board of Electrologists shall be transferred to the Electrology
7 Practice Committee within the State Board of Nursing.

8 SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 July 1, 2003.